



Information Brief

Zero Tolerance

*The “take no prisoners” disciplinary practices of school districts across the country resulted in the suspension of 3.1 million students and the expulsion of 87,000 in 1998. Time lost by children and youth, in exposure to educational opportunities and participation in one of the most important contributors to their healthy development, is staggering. School administrators must maintain a delicate balance between ensuring that teaching and learning can take place in a safe haven and preparing **all** students to become educated workers and productive citizens. Zero tolerance policies, while appearing to achieve the former, are barriers to the latter.*

CRITICAL ELEMENTS ADDRESSED:

- Districts and schools ensure that safe, welcoming, accessible physical environments, inviting and conducive to learning, are provided.
- The school is a caring, respectful, encouraging community.
- The school, in collaboration with the community, provides a full and accessible array of specialized programs and services to address the needs of students experiencing social, emotional, intellectual, and/or behavioral problems.

INTRODUCTION

Ninety-one percent of schools have adopted zero tolerance policies for bringing a weapon to school. Eighty-seven percent also have zero tolerance policies for alcohol and drugs, often resulting in mandatory expulsion no matter how small the infraction (Cauchon, 1999). This widespread use of exclusionary practices to deal with issues of safety is partly attributable to federal and state laws that require local districts to use them as sanctions for serious misconduct and to the belief by educators, parents, and community members that punishment is the most effective way of handling student misconduct.

“A society that will trade a little liberty for a little order will lose both, and deserve neither.”

- Thomas Jefferson

There is a national debate about the effectiveness and efficacy of zero tolerance policies. They raise questions about the role of schools, their responsibility to educate all students, and their philosophy of student discipline.

HISTORY OF ZERO TOLERANCE POLICIES

The concept of zero tolerance stems from the state and federal drug control policies of the 1980s. With the passage of the Gun-Free Schools Act of 1994, Congress directed states, if they were to get their federal funding, to pass laws requiring expulsion of any student bringing firearms to school for one year. Since then, there has been a proliferation of zero tolerance policies across the country.

Although the laws that have become known as “Zero Tolerance Policies” initially required mandatory

expulsion only for gun possession on school grounds, they were expanded by federal regulatory guidelines in 1995 to include bombs, rockets, grenades, missiles, mines, or similar devices. State legislatures went even further by including other weapons. Encouraged by teacher unions and some parents’ groups, state legislatures also added zero tolerance for possession of alcohol, tobacco, illegal drugs, fighting, cursing, and gangs. Iowa laws are among those that expanded coverage to other weapons and possession of illegal drugs (Iowa Code, §702.7 and §279.9). Iowa laws give discretion to local superintendents to assign sanctions on a case-by-case basis.

THE WHAT AND WHY OF ZERO TOLERANCE

What is it?

Traditionally, zero tolerance meant the presence of a specified punishment for a specified behavior. More recent definitions place emphasis on punishing a range of behaviors by expelling students in order to exclude their behavior.

Stories about the imposition of extreme sanctions for apparently minor infractions have caused a national debate about zero tolerance policies. Some administrators consider a squirt gun, fingernail file, or plastic toy ax in the hands of a student as weapon possession. Some treat aspirin, Midol, and even Certs as drugs. Threatening statements have resulted in expulsions.

Considerable variation in the definition of zero tolerance has occurred at the local level. Many have broadened district policies beyond federal and state. They may define an expanded group of behaviors as

subject to a district's zero tolerance policy or may have a broad definition of what constitutes a weapon or drug. They may assign extreme sanctions to relatively minor misconduct. In most instances, schools adopt policies with good intentions, to create safe schools. Unfortunately in some cases, such policies may exclude certain types of students.

Despite the variations in zero tolerance policies, they do have several characteristics in common. They are:

- reactive rather than proactive
- crisis response, not crisis prevention
- punishment oriented
- exclusionary

Why? Advocates of zero tolerance policies believe that they send a powerful message to the school community that violent, aggressive behavior will not be tolerated. They credit zero tolerance with helping students, administrators, teachers and parents feel safer. Many believe that zero tolerance is a fitting punishment for a wide range of student misconduct.

What does the law say? There is a common misconception that federal and state laws require mandatory exclusion for possession of weapons and drugs in schools. In fact, although these laws do contain provisions for total exclusion of students for up to one year, they do permit local decision-making about sanctions by allowing local review based on the circumstances of individual cases. Federal legislation permits and some state laws require schools to provide alternative educational programs and procedures for re-entry following imposition of zero tolerance. Iowa is among them (Iowa Code §280.21B).

Administrators and teachers need to retain their authority to remove students who endanger themselves and others. In addition, although they have the discretion to impose lesser punishments, administrators sometimes believe that rigid adherence to the provisions in the policy can protect them from lawsuits. Thus, they choose not to exercise this discretion.

"Schools should have zero tolerance for the idea of doing anything that treats all students the same. One size does not and cannot fit all."

- Richard L. Curwin and Allen N. Mendler
Authors, *Discipline with Dignity*

ISSUES RELATED TO ZERO TOLERANCE

As part of the national debate on zero tolerance, several issues have surfaced. The following sections present some of these issues.

School Safety – Real and Perceived: The school shootings caused many to believe that violence is

rampant in our schools. However, current data do not support the claim that there has been a dramatic and intense increase in school violence. This fear of random violence is a prime motivator for the adoption of zero tolerance. "The popularity of zero tolerance has less to do with its actual effects than the image it portrays" (Skiba and Peterson, January 1999). Harsh measures send a reassuring message to teachers, students, and parents that the administrator is still in charge and that the school holds students to high standards of behavior.

An Epidemic of Suspensions and Expulsions: Despite little evidence supporting the effectiveness of suspension and expulsion for improving student behavior or contributing to overall school safety, the use of exclusion, suspension and expulsion are central to most zero tolerance policies. Federal law connects these consequences to the concept of zero tolerance. Although schools usually reserve expulsion for serious infractions of discipline codes, expelled students are not always the most troublesome. In some cases, schools expel typically "good kids" for a single occurrence of serious misconduct.

"Zero tolerance and expulsion don't have to go hand in hand. Zero tolerance simply means all misbehavior will have some sanction. It doesn't mean you bring the maximum punishment for every transgression."

- Ronald D. Stephens, Executive
Director, National School Safety Center

Suspension, on the other hand, is a widely used discipline strategy for a broad range of behaviors from relatively minor to severe offenses. Studies show that repeat offenders comprise up to 40 percent of suspensions, suggesting that suspension is not effective in changing student behavior. In fact, suspension seems to predict additional suspensions and may even reinforce rather than punish misconduct (Skiba, 2000, p. 13). Other studies show that suspensions are a factor in students dropping out of school. "Pushout" policies to rid schools of low achievers and troublemakers contribute to the failure of students to complete their education. Excluding students from school using suspension and expulsion appears to be a strategy that rids schools of unwanted students and unwanted behavior.

Psychological Impact: Many of the principles of healthy child development are in direct conflict with the results of zero tolerance policies. Overly harsh punishment can destroy a child's spirit, build distrust in relationships, or make the problem worse. These effects negate factors likely to foster healthy development. Noted psychologist James Comer (Comer, J. and A.F. 1992), stresses that children who

bond with significant adults in their lives identify with them, imitate their behavior, and internalize their values, attitudes, and ways. A child whose development meshes with the mainstream values encountered at school will be prepared to achieve at his or her level.

The strength of a student's social bond with school is an important predictor of future delinquent behavior. Zero tolerance policies can alienate the child from school or exacerbate their problems. Consequently, the question must be asked, "Why use policies that break this important bond with school, especially for those already at-risk?"

"Ultimately, as we commit ourselves to increasingly draconian policies of school discipline, we may also need to resign ourselves to joyless schools, increasingly unsafe streets, and dramatically increasing expenditures for detention centers and prisons."

- Russ Skiba and Reece Peterson

Loss of Educational Opportunities: Punishment, including zero tolerance and other exclusionary practices, has become a philosophy that permeates the discipline systems of many school districts. Punishment provides retribution, not instruction. Punishment suppresses behaviors. Interventions can be designed to teach and change behavior. As a result of a punishing approach to discipline, students miss out on critical learning opportunities by loss of important instructional time, the chance to bond with positive adults, and essential experience with prosocial interaction.

Of schools that exercise zero tolerance policies, 40 percent exclude students permanently from school. "When you kick children out of school, they are not learning," says Nancy Riestenberg, Prevention Specialist of the Minnesota Department of Children, Families, and Learning. Students excluded without alternative educational programs either wind up at home, often alone, or on the streets. They are more likely to drop out of school altogether. Without an education, the course to delinquency for these students also is more likely to accelerate. The question then becomes, "When we use exclusion to make our schools safe, what are we doing to our communities now and in the future?" We must recognize the potential societal impact of these exclusionary practices.

Safe Schools Do Not Make Safe Communities: The result of excluding students from schools to ensure school safety has important ramifications for communities. Research shows that the highest rates of

juvenile crime and teen pregnancy occur between the hours of 3-6:00 p.m. If we extend those unsupervised hours to include typical classroom hours, we merely transfer school problems to the community. Not only does it place these young people on the streets without supervision, they are not being educated. Potential long-term effects, as supported by research, are higher dropout rates, lower graduation rates, a less educated workforce, higher crime rates among adults, and more prisons.

Minority Issues

Often African-American, Latino, and disabled children bear the brunt of these policies (*Report by the Advancement and Civil Rights Projects*, June, 2000). A disproportionate number of blacks and the poor are at risk for receiving a wide range of school punishments. Yet the differences in rates of misconduct between blacks and whites are minor and do not explain the overrepresentation. Schools that rely heavily on suspension and expulsion also have this highest rate of overrepresentation of minorities in school disciplinary processes (Skiba and Peterson, January 1999).

WHAT WORKS?

Does zero tolerance work?

Studies conducted by the National Center of Educational Statistics (NCES) indicate that schools with no crime are less likely to have zero tolerance policies, and those with such policies have higher rates of crime. Their studies showed that after four years, those schools that elected to use zero tolerance policies are still less safe than those without such policies (Skiba and Peterson, January 1999).

Little empirical data exists on school security measures. In a search of four major databases, Skiba and Peterson (1999) found only six empirical studies on five major security categories (zero tolerance, metal detectors, surveillance, school uniforms, and school security). They located none for locker searches and video surveillance. From this study, the authors concluded that, as yet, there is no solid evidence that such security measures contribute to a safer environment.

What can be done?

Discipline philosophy determines outcomes. Strict disciplinarians who believe in harsh punishments will have higher suspension and expulsion rates, but this does not necessarily translate into effective discipline. The principal is key to setting disciplinary tone. In schools where the principal has set the standard that no child shall be suspended except under severe circumstances, teachers are less apt to refer a child for suspension for minor misconduct. Where principals and administrators have adopted zero tolerance for misbehavior, suspension rates are higher. In contrast,

schools where principals believe in finding other ways to deal with misbehavior have lower suspension rates. Arnold Goldstein, director of the Center for Research on Aggression at Syracuse University, says that if zero tolerance policies are to work, principals must be given the discretion to exercise fairness and common sense (USA Today).

“...even in these fearful times, reasonable steps to protect students from guns, violence, and illegal drugs in their schools can be taken without mass exclusion of American children from the educational process, which Zero Tolerance Policies are extracting.”

- Curwin and Mendler in the Report by the Advancement and Civil Rights Projects, June 2000

Some districts have embraced alternatives to zero tolerance, adopting systems of graduated sanctions that match consequences to offenses and emphasize prevention strategies. Curwin and Mendler (October 1999) suggest an “as tough as is fair” approach to dealing with student misconduct. This means sending the message that unacceptable behavior will not be tolerated. The administration of consequences will be sure, but the range of consequences is broad and will be matched to the severity and type of misbehavior on a case-by-case basis. Without question, there is a need for clear, firm limits and for sending the message that certain behaviors are not acceptable. The key questions are: “Was it effective?” “Do the consequences teach students how to behave?” “Do they help them to understand what to do, or are they limited only to sending a message of what not to do?” Only by monitoring the outcomes can schools determine the effectiveness of the action.

Characteristics of safe schools with high achievement levels and a low number of disciplinary referrals concur

with *Success4*’s critical elements. (See *Success4* Critical Elements.)

- An inclusive model that is a school-wide effort promoted by the principal and bought into by the majority of the teachers and staff
- Training of teachers in classroom management and the root causes of behavior
- Strategies to foster strong bonds between teachers and students
- Teacher instruction makes accommodations for learners with a variety of learning styles
- A proactive, school-wide code of conduct and expectations that is widely promoted and understood
- Discipline that is focused on prevention and diffusion of potentially disruptive situations before they erupt
- Consequences for behavior handled on a case-by-case basis with input from parents and students
- Active involvement of parents and the community in the life of the school
- Expectations that students adhere to high academic and behavioral standards
- Implementation of a wide range of programs that promote a respectful, collaborative climate
- A welcoming, friendly physical environment

SUMMARY

Zero tolerance policies that include a set of mandated exclusionary sanctions have both short- and long-range negative consequences that need to be carefully considered. Because of a lack of evidence that these policies are effective in changing student behavior or deterring potential misconduct, they need to be examined carefully for their impact on the healthy development of children and youth. Administrators have tough choices to make in order to ensure that schools are safe, while at the same time ensuring that all students are educated.

LEARN MORE ABOUT IT:

- **Web sites:**
 - *The Civil Rights Project: Harvard University Conferences:* <http://www.law.harvard.edu/groups/civilrights/conferences/>
 - Indiana Education Policy Center: <http://www.indiana.edu/~iepc/>
- **In this Handbook:** See additional briefs in this section on *Weapons in Schools, Violence Prevention, Bullying and Harassment, Restorative Justice, School-wide Discipline, Positive Behavioral Supports, and Alternative Educational Settings*. In other sections of the manual, please refer to *Early Warning, Timely Response, Safeguarding Our Children: An Action Guide*, and “*Success4*’s Critical Elements.” For information beyond the scope of this handbook, see the Resources Section.